

15A.0652 Juvenile justice administrative regulations.

The Department of Juvenile Justice shall promulgate administrative regulations that shall include:

- (1) Development or adoption of a validated risk and needs assessment that:
 - (a) Considers factors such as the severity of the current offense, the child's previous public offense record, and the child's assessed criminal risk factors;
 - (b) Is administered for all children adjudicated on a public offense prior to disposition and at regular intervals thereafter to determine risk levels and to identify intervention needs; and
 - (c) Is implemented based on policies and practices for utilization of the assessment instrument to objectively guide placement and the length and type of treatment for each child committed to the department or probated to the department or other entity;
- (2) The provision of treatment for committed and probated children in accordance with evidence-based practices, including, at a minimum:
 - (a) Development of a case plan for each child committed to the department or probated to the department that targets the risk factors identified in the assessment, is responsive to individual characteristics, involves the family as appropriate, provides supervision or monitoring of children according to their case plan, and establishes a treatment plan in accordance with subsection (3) of this section; and
 - (b) Development and implementation of a graduated sanctions protocol of swift, certain, proportionate, and graduated sanctions that a probation officer or employee of the department shall apply in response to a child's violations of the terms or conditions of probation. The graduated sanctions protocol shall:
 1. Include a continuum of sanctions that take into account factors such as the severity of the current violation, the child's previous criminal record, the number and severity of any previous probation violations, the child's assessed risk level, and the extent to which graduated sanctions were imposed for previous violations. The system shall also define positive reinforcements that the probated child may receive for compliance with his or her terms or conditions of probation. A sanction of up to thirty (30) days' out-of-home placement may be imposed for a violation of the terms of probation. A child shall not be committed or recommitted to the Department of Juvenile Justice for the violation of the conditions of probation;
 2. Provide that judicial review for a probated youth, or an administrative hearing for a committed youth, shall not be necessary to impose graduated sanctions less than out-of-home placement; and
 3. Require that less-restrictive graduated sanctions be utilized prior to requesting judicial review unless there is clear and convincing evidence that there are no graduated sanctions available that are appropriate for the child and the child is an immediate threat to himself, herself, or

others;

- (3) Development and implementation of treatment plans for committed and probated children that:
 - (a) Take into consideration the severity of the current offense and the child's assessed risk and needs as identified by a validated risk and needs assessment;
 - (b) Involve the family in the treatment plan as appropriate;
 - (c) Allow a child to complete treatment in the community if resources are available rather than in a secure or nonsecure facility; and
 - (d) For committed children may include:
 1. A maximum of four (4) months of out-of-home placement if the child was adjudicated for an offense that would be a misdemeanor if committed by an adult, other than a violation of KRS Chapter 510 or an offense involving a deadly weapon;
 2. A maximum of eight (8) months of out-of-home placement if the child was adjudicated for an offense that would be a Class D felony if committed by an adult, other than a violation of KRS Chapter 510 or an offense involving a deadly weapon; and
 3. A provision that if a child has reached the maximum time allowed in out-of-home placement, as specified in subparagraphs 1. and 2. of this paragraph and further out-of-home placement is determined to be necessary for completion of treatment, the child may be held for an additional period only upon approval of the Administrative Transfer Request Committee, or another appropriate entity within the department as designated by the commissioner of the department after review of the facts and circumstances warranting the need for continued out-of-home placement. If the commissioner approves continued out-of-home placement, the maximum time the placement may be continued is the maximum originally allowed under subparagraphs 1. and 2. of this paragraph and the total period of commitment shall not exceed that permitted under KRS 635.060;
- (4) Development and implementation of professional development programs for department staff who interact with or who are responsible for the treatment, supervision, or placement of children, that includes training on juvenile justice research relating to effectiveness of juvenile justice interventions, impacts of out-of-home placement, alternatives to incarceration, use of graduated sanctions, case planning, administration of a validated risk and needs assessment, and training to address specific issues such as domestic violence, trauma, and family engagement;
- (5) Development of procedures for measuring the outcomes of each treatment and intervention program and practice to demonstrate that the program or practice has a documented evidence base and has been evaluated for effectiveness in reducing recidivism for the children it serves, including:
 - (a) A process for reviewing the objective criteria for evidence-based programs and practices established by the agency providing the program;

- (b) A process for auditing the effectiveness of the programs; and
 - (c) An opportunity for programs that do not meet the criteria based on the audit results to develop and implement a corrective action plan within one hundred eighty (180) days of the audit;
- (6) Development of procedures to track juvenile recidivism, which shall include adjudication of a new public offense or conviction of a crime within three (3) years of release from an out-of-home placement or release from commitment, and collaboration with the Department of Corrections and the Administrative Office of the Courts to obtain adult conviction and incarceration information to enable collection of recidivism data;
 - (7) Development of procedures to track the pre-adjudication and post-adjudication admissions beginning no later than August 1, 2014; and
 - (8) Development of procedures to ensure maximum utilization of available federal funding resources which may be available to the agency.

As used in this section, "evidence-based practices," "graduated sanction," "out-of-home placement," and "risk and needs assessment" have the same meanings as in KRS 600.020.

Effective: July 15, 2014

History: Created 2014 Ky. Acts ch. 132, sec. 5, effective July 15, 2014.

Legislative Research Commission Note (7/15/14). In subsection (3)(d)3. of this statute, the Reviser of Statutes has changed the words "paragraphs (a) and (b) of this subsection" to read "subparagraphs 1. and 2. of this paragraph." In an early version of the bill that created this statute (2014 Ky. Acts ch. 132, sec. 5), the phrase "paragraphs (a) and (b) of this subsection" was used in reference to language corresponding to the present subparagraphs 1. and 2. When the bill was redrafted before its final passage, the numbering of the paragraphs was changed, but the reference was inadvertently left unchanged. The Reviser of Statutes has made this correction under the authority of KRS 7.136(1).